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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,502	05/20/2004	Lucien Y. Bronicki	15162X	6015
20529	7590	06/15/2007		
NATH & ASSOCIATES 112 South West Street Alexandria, VA 22314			EXAMINER NGUYEN, HOANG M	
			ART UNIT 3748	PAPER NUMBER
			MAIL DATE 06/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/849,502

Applicant(s)

BRONICKI, LUCIEN Y.

Examiner

Hoang M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-23, 25-27 and 33 is/are allowed.
- 6) ☒ Claim(s) 28-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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Applicant's amendment dated May 08, 2007, has been fully considered.

First of all, please note claim 21 is incomplete. However, it's very clear claim 21 newly added limitation is similar to claim 33. The Examiner agrees to allow claims 21, 33 and their dependent claims. It's suggested the same limitations be added to independent claims 28 and 32 to put this application in condition for allowance.

Regarding claims 28 and 32, Applicant arguments are not found persuasive. Please note two important facts: 1) the exhaust heat from the steam turbine in Amir et al is divided into three separate streams to heat and power three separate vapor cycle plants, it's very clear that the power produced by at least one plant is much lower than the power from the steam turbine, 2) more importantly, the input of the streams can be controlled; therefore, it's very clear that each of the CCVT plant is capable of producing the claimed power percentage by adjusting the intake valves.

Applicant argued it would not have been obvious to use waste heat from different primary heat source. The Examiner is very surprised about this argument because it's well known in the art that waste heat from various sources can be used to power a CCVT plant. Many patents from Ormat Technologies Inc., which is the same assignee as this application, teach the concept of using waste heat from various heat sources to power a CCVT plant. Also, the Van dine reference clearly teaches heat source from a

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molten carbonate fuel cells can be used. Therefore, the Examiner maintains his position that it would have been obvious to use different first power plant.

For the reasons set forth above, the rejections have been made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28-31, are rejected under 35 U.S.C. 102(b) as being anticipated by US 5497624 (Amir et al).

Amir et al discloses a hybrid electric power generating system comprising a primary power converter (steam turbine 15 in figure 1A, or 60A in figure 2), the exhaust heat of the steam engine 15 is used to drive 3 different closed organic Rankine cycles through passages 19a, 19b, 19c, and valves 22a, 22b, 22c. Please note because the waste heat of the steam turbine 15 is less than the main heat source, the power produced by the three Rankine cycles must be less than the steam turbine.

Furthermore, in columns 2-4, Amir et al discloses specifically that the amount of exhaust steam to each Rankine cycle can be controlled. Therefore, the amount of power output of each Rankine cycles can be controlled, and it's clear that each Rankine cycle is capable of contributing only 5%-15% of the primary converter.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5497624 (Amir et al). Amir et al discloses all the claimed subject matter as set forth above, but does not disclose different types of first power plant. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to select different types of first power plant in Amir et al to provide waste heat to the second power plant for the purpose of achieving appropriate amount of heat. (note the Van Dine reference if Applicant needs specific teaching for the molten carbonate fuel cell).

Claims 21-23, 25-27, 33 are allowed, but remember to correct the typographical errors in claim 21.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Handwritten signature and date "06/05/07".

HOANG NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3748

Hoang Minh Nguyen  
6/5/2007